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30 December 1980

MEMORANDUM FOR: Chief, Policy and Plans Group

FROM: [REDACTED]

Deputy Chief, Security Analysis Group

SUBJECT: Revising Restrictions on Intelligence Activities

REFERENCE: OGC Memorandum 80-10379 dated 3 December 1980,  
subject as above

The following comments are in response to the referenced memorandum which contained a number of proposed revisions to Executive Order 12036.

Section 1-706 (Reporting Crimes)--basically concur in the deletion of the portion dealing with reporting crimes of non-employees; however, there should remain a narrow focus requiring the reporting of serious crimes. Certain crimes are of such magnitude that bringing the guilty party to justice is a civic responsibility which the Agency should not shirk in spite of what other government agencies are required to do. The place to treat this is in the [REDACTED] Implementing Procedures listing which crimes must be reported. Any revision to the executive order should also contain some specificity as to which crimes require mandatory reporting where Agency employees are concerned. The present language requiring the "reporting of violations of federal criminal law" has the practical effect of causing security to report to the Office of General Counsel any conceivable violation of federal or state law. Since security officers cannot be expected to be knowledgeable of which crimes are federal versus which are state or even whether an activity constitutes a crime, the consequence is to err on the side of caution and report all, including minor technical violations which would never be referred to the Department of Justice let alone prosecuted. Suggest the executive order be revised to permit an implementing procedure listing reportable crimes similar to that for non-employees.

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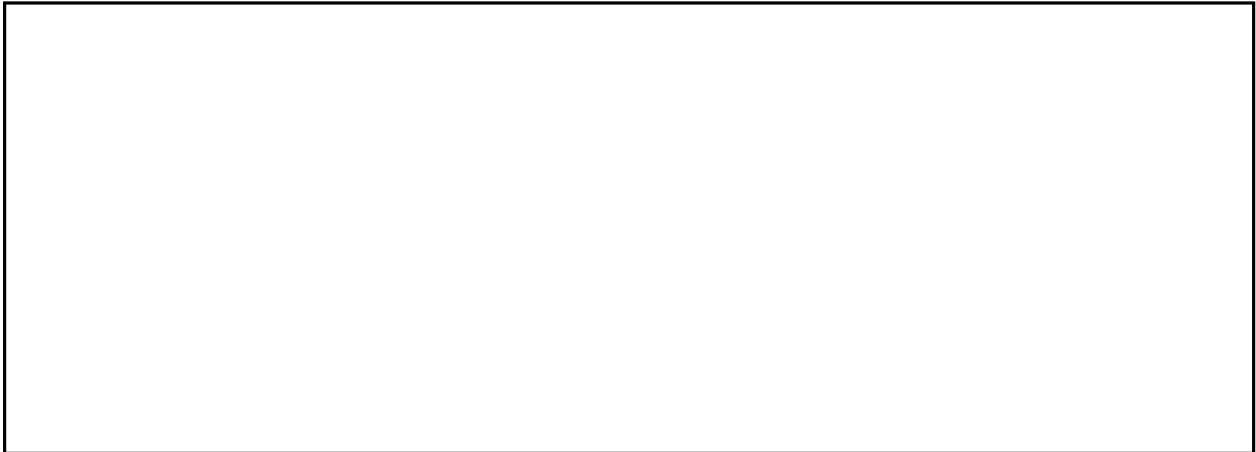
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INTELLIGENCE SOURCES  
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Section 2-208 (Exchange of Information Within the Intelligence Community)--the removal of these restrictions is of paramount importance to the Office of Security. The situation we presently find ourselves in with the FBI and other government agencies is ludicrous. For example, the deletion from FBI reports of the names of U.S. persons in contact with foreign nationals, some known hostile officers, produces an almost meaningless report. Our only interest is to determine whether the Agency has an association with the U.S. person which, of course, could not be ascertained without the identity. Present procedure calls for a formal request on a case by case basis to "assess the significance of the information." This is a needless bureaucratic obstacle wasting both time and money. (U)

Any revision made to Executive Order 12036 will require a concurrent change in  (U)

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